

**Congress of the United States**  
**Washington, DC 20515**

May 14, 2018

The Honorable Scott Gottlieb, M.D.  
Commissioner  
U.S. Food and Drug Administration  
10903 New Hampshire Avenue  
Silver Spring, MD 20093

Dear Commissioner Gottlieb:

We write to thank the Food and Drug Administration (FDA) for issuing an Advance Notice of Proposed Rulemaking (ANPRM) on the regulation of flavors in tobacco products. The ANPRM powerfully outlines the role that flavors play in attracting kids to tobacco products. We urge your agency to act quickly in developing a specific proposal and issuing a final rule banning the sale of all flavored e-cigarettes and cigars.

The need for action is clear. Congress prohibited all characterizing flavors (except menthol) in cigarettes when it passed the Tobacco Control Act in 2009, yet there has been an explosion of flavors in e-cigarettes and cigars in recent years. These products come in kid-friendly flavors such as cookies 'n cream, gummy bear, cotton candy, tropical twist, and banana smash. A 2014 study published in the peer-reviewed journal *Tobacco Control* identified more than 7,700 unique flavors for e-cigarettes. A 2017 study published in the journal *Nicotine and Tobacco Research* found that flavored cigars accounted for 43 percent of cigars sold in stores. These flavors increase the appeal of e-cigarettes and cigars among youth.

Adolescents have a strong preference for sweet flavors as they can mask the harshness and bitterness of tobacco. According to a 2015 study published in the *Journal of the American Medical Association*, kids cite flavors as a primary reason for beginning tobacco use. Starting tobacco use in adolescence increases the odds that the child will use tobacco in their adult years. According to the National Survey on Drug Use and Health, nearly 80 percent of all adult smokers begin smoking by age 18. The popularity of flavored e-cigarettes and cigars is a threat to the public health gains made in recent years.

The current unregulated use of flavors in e-cigarettes and cigars is also increasing youth exposure to nicotine and other harmful chemicals. E-cigarettes deliver nicotine, a highly addictive chemical that can have damaging effects on adolescent brain development. They also emit other potentially harmful chemicals, although at lower levels than cigarettes. According to the National Academies of Sciences, Engineering, and Medicine, there is "substantial evidence" that kids who use e-cigarettes are more likely to try regular cigarettes. As part of its final rule extending its oversight to cigars and other tobacco products, the FDA determined that cigars pose serious health risks, including a variety of cancers, heart disease, and chronic obstructive pulmonary disease.

We share your view that no child should even begin to use tobacco products. It is for this reason that the FDA should act quickly to issue a notice of proposed rulemaking and to promulgate a final standard prohibiting the sale of flavored e-cigarettes and cigars.

Sincerely,



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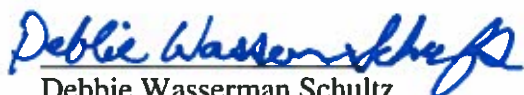
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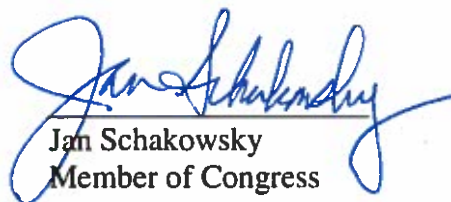
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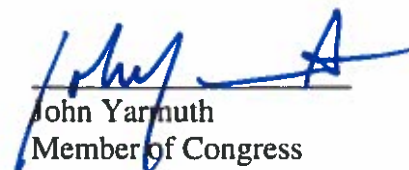


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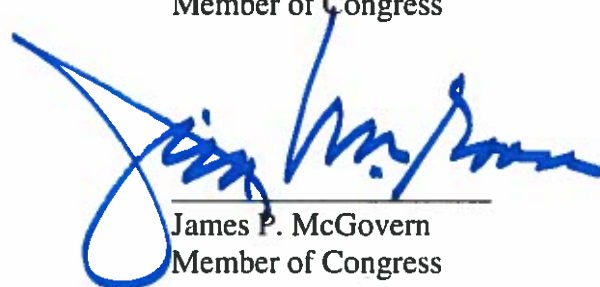
  
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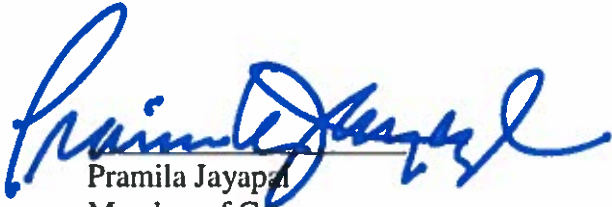
  
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